TRC 07949-08002

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

ALLIANZ GLOBAL RISKS U.S. INSURANCE COMPANY, as subrogee of Buffets Holdings, Inc.,	)	
Plaintiff	)	
vs.	)	No. 07 C 7149
	)	Judge Samuel Der-Yeghiayan
NOVAK CONSTRUCTION COMPANY, an Illinois corporation,	)	

MOTION FOR LEAVE TO FILE THIRD PARTY COMPLAINT FOR CONTRIBUTION

NOW COMES Defendant, NOVAK CONSTRUCTION COMPANY by and through one of its attorneys, Timothy R. Couture of JOHNSON & BELL, LTD. and moves this Honorable Court for Leave to file its Third Party Complaint against RESTAURANT SPECIALTIES, INC., KIEFFER & CO., INC., and AERO ELECTRIC AND COMMUNICATIONS, instanter, and for reason, states the following:

1. Plaintiffs causes of action arise from a fire event stemming from the removal of a sign at an Old Country Buffer restaurant that occurred on May 12, 2006.

2. Through Defendant's investigation, it has determined that RESTAURANT SPECIALTIES, INC., KIEFFER & CO., INC., and AERO ELECTRIC AND COMMUNICATIONS worked on or removed the subject sign, and worked on the electrical circuit powering the sign.

3. Defendant has a valid cause of action against the aforesaid parties for contribution which causes of action arise from the incident alleged in Plaintiff's Complaint.

4. On March 20, 2008 this Honorable Court granted Defendant leave to file its Third Party Complaint within 21 days.

5. Defendant's was unable to file its Third Party Complaint in the time allowed by the Court due to difficulty in determining the identity of the electrical contractor involved (now determined to be AERO ELECTRIC AND COMMUNICATIONS).

6. The delay of two Court days in the filing of the Third Party Complaint will cause no prejudice to any party to this cause, nor will in unduly delay discovery.

7. A copy of the proposed pleading is attached for reference as Exhibit 1.

WHEREFORE, Defendant, NOVAK CONSTRUCTION COMPANY., prays that this Honorable Court grant it leave to file its Third Party Complaint, instanter.

Respectfully submitted,

JOHNSON & BELL, LTD.

__s/Timothy R. Couture______________
One of the attorneys for defendant
NOVAK CONSTRUCTION COMPANY

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